

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DALE MUSSER,

Plaintiff,

v.

KILOLO KIJAKAZI,
*Acting Commissioner of Social
Security,*

Defendant.

No. 1:22-CV-01677

(Chief Judge Brann)

(Magistrate Judge Bloom)

ORDER

NOVEMBER 29, 2023

Dale Musser filed this action seeking review of a decision by the Acting Commissioner of Social Security (“Commissioner”) denying Musser’s claim for social security disability benefits.¹ On October 23, 2023, Magistrate Judge Daryl F. Bloom issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision.² No timely objections were filed to this Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Regardless of whether timely

¹ Docs. 1, 13.

² Doc. 16.

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁴ Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Bloom’s conclusion that the Commissioner’s decision is supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Daryl F. Bloom’s Report and Recommendation (Doc. 16) is **ADOPTED**;
2. The Commissioner’s decision is **AFFIRMED**;
3. Final Judgment is entered in favor of Defendant and against Musser pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);
and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.